

# KINROSS Gold Corporation

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## KETTLE RIVER OPERATIONS

November 18, 2005

Mike Gallagher  
PBT Coordinator  
Solid Waste & Financial Assistance Program  
Department of Ecology  
P.O. Box 47600  
Olympia WA 98504-7600

### **RE: Draft Rule on PBT Regulation**

Dear Mr. Gallagher:

The purpose of this letter is to provide comments to the Draft PBT Rule (Chapter 173.333 WAC). As you know, the 2004 Legislature directed the Department of Ecology (DOE) to "develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins, and establish criteria for selecting chemicals for chemical action plans.

Kinross Gold Corporation feels very strongly that DOE should remain consistent with the Environmental Protection Agency's approach to waste minimization when addressing metals. In fact, in a letter written March 5, 2002 by then DOE Director Tom Fitzsimmons to the Metals Coalition, 'Ecology has made it clear that we intend to model closely EPA's process to ensure state consistency with nationally applied criteria and priorities.' In U.S. EPA's approach, the current list of 31 chemicals is termed "Priority Chemicals" which replaced the PBT list of 53 chemicals EPA identified in its 1998 Federal Register "Notice of Availability: Draft RCRA Waste Minimization Persistent, Bioaccumulate and Toxic (PBT) Chemical List". Because of the special nature of metals, EPA has carved out a subcategory for Cadmium, Lead and Mercury, identifying these metals as Priority Chemicals, not PBTs. In its 1998 Notice referenced above, EPA used the same PBT analysis framework that it used for organic chemicals. EPA subsequently decided to defer the use of that framework and is working with its Science Advisory Board to develop a consistent, Agency-wide approach for the evaluation of metals. Information from the Science Advisory Board is expected to be released in December 2005.



I ask that DOE honor the 2002 Fitzsimmons letter recognizing the unique character of metals by 1) not listing metals as a Washington State PBT or creating a list of Priority Chemicals as EPA has currently done, and 2) creating a placeholder for metals with language in a footnote such as "Ecology will not make a decision whether to include mercury, cadmium and lead or other metals on the PBT list until after the U.S. Environmental Protection Agency ("U.S. EPA") concludes the process of preparing a Metals Risk Assessment Framework." In addition, we support footnote language that will be submitted by the North American Metals Coalition and the Association of Washington Business.

As a company, we are not opposed to regulating metals in our environment; in fact, this is already being accomplished at both federal and state levels. The above approach will still allow DOE and other state agencies the ability to address human and environmental health concerns as well as fulfilling the Washington State Legislature's directive. Kinross supports the position of the North American Metals Coalition and (or) the Association of Washington Business as noted in their comments.

I appreciate DOE's interest, time and hard work invested in this process. If I can be of any assistance as this process moves forward, please don't hesitate to contact me at (509) 775-3157 ext. 131.

Sincerely,

A handwritten signature in dark ink, appearing to read "C.D. Gillespie", with a long horizontal flourish extending to the right.

Clyde D. Gillespie  
Buckhorn Mountain Project Manager

Xc: Lori Evans, Capitol Consulting  
Grant Nelson, Association of Washington Business